

REMARKS

Claims 1-81 remain pending in the application.

Claims 1-7 and 10-81 were rejected under 35 U.S.C. 102(b) as being anticipated by Bergqvist.

Turning first to claims 1, 24, 27, 32, 35, 44 and 45, Applicants claim various methods which include the determination of oil content based on an amount of detected light which is reflected from oil particles. Bergqvist teaches, on page 216, left column, first full paragraph (relating to HPLC operation), the use of a light scattering detector for the purpose of detecting the presence of oil within the nebulized oil/solvent mixture. This teaching, however, is not material to the noted claims which more specifically require the determination of "oil content." It will be noted that the Applicants have defined the term "oil content" in the specification to mean "the amount of oil present in a sample or particular fraction or fractions of oil ..." (page 6, lines 24-25). Applicants respectfully submit that the Examiner has misconstrued the claim term "oil content" as meaning oil presence when the specification clearly indicates that the term should instead be understood to mean and refer to the amount of oil which is present. Given a proper construction of the claim language, the Berqvist reference clearly fails to teach or suggest any process or apparatus for determining amounts of oil using a light scattering process. Instead, and quite contrary to the claimed invention, Bergqvist notes that the determination of an amount of oil which is present would require the use of gas chromatography (GC) (see, page 216, left column, second full paragraph). In view of the foregoing, Applicants respectfully submit that the Bergqvist reference not only fails to anticipate the claimed invention but also teaches away from the claimed invention. Withdrawal of the Section 102 rejection to claims 1, 24, 27, 32, 35, 44 and 45 is requested.

Turning next to claim 46, Applicants have amended this claim to emphasize device operation to determine an **amount** of oil which is present from the detected reflected light. This claim is accordingly

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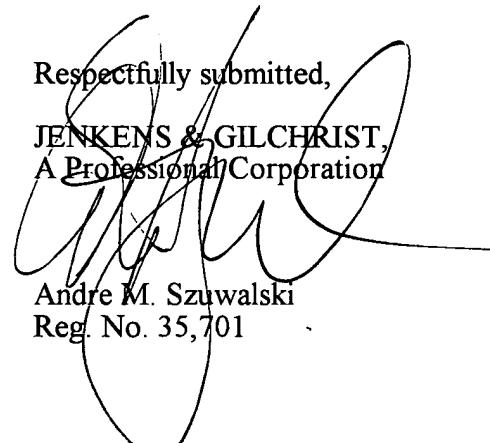
believed to be patentable over Bergqvist for at least the same reasons as claims 1, 24, 27, 32, 35, 44 and 45.

Claims 30 and 31 have been amended to emphasize the determination of an oil **amount** based on detected reflected light and are believed to be patentable over the cited art for at least the same reasons.

Claims 58 and 70 have been amended to emphasize the determination of an unknown **amount** of oil by detecting and processing reflective light. These claims also define over the cited Bergqvist reference.

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